

FILED 07 JAN 04 15:01 USDC OR
2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JEFFREY SMITH, et al.,)	
)	Civ. No. 05-3084-CO
Plaintiffs,)	
)	
v.)	
)	
GUIDEONE MUTUAL INSURANCE)	ORDER
CO.,)	
)	
Defendant.)	
)	

PANNER, District Judge:

Magistrate Judge John P. Cooney filed Findings and Recommendation on November 28, 2006. The matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

I have, therefore, given this case de novo review. I find no

error. Accordingly, I ADOPT the Findings and Recommendation of Magistrate Judge Cooney.

CONCLUSION

Magistrate Judge Cooney's Findings and Recommendation (#49) is adopted. Plaintiff's motion for partial summary judgment (#36) is granted.

IT IS SO ORDERED.

DATED this 4 day of January, 2007.



Owen M. Panner

OWEN M. PANNER
U.S. DISTRICT COURT JUDGE